

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRANCIS M. QUAGLIA d/b/a FULL  
CIRCLE GLASS STUDIO, INC.,

Plaintiff,

-against-

JOHN ELIAKOSTAS, et al.,

Defendants.

1:23-CV-1361 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated February 21, 2023, the Court directed Plaintiff, within 30 days, to submit a completed request to proceed *in forma pauperis* (“IFP”) or pay the \$402 in fees required to file a civil action in this court. That order specified that failure to comply would result in dismissal of this action. Plaintiff has not filed an IFP application or paid the fees. Accordingly, the Court dismisses this action without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment.

SO ORDERED.

Dated: April 25, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge